

United States District Court

EASTERN DISTRICT OF MISSOURI

Don Ascare

BILL OF COSTS

V.

MasterCard International Incorporated,
d/b/a MasterCard Worldwide

Case Number: 4:10-CV-01979

Judgment having been entered in the above entitled action on 10/2/12
Date against Defendant MasterCard
the Clerk is requested to tax the following as costs:

Fees of the Clerk	
Fees for service of summons and subpoena (if service by U.S. Marshal)	
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	\$10,480.45
Fees and disbursements for printing	
Fees for witnesses (itemize on reverse side)	\$220.00
Fees for exemplification and copies of papers necessarily obtained for use in the case	\$676.59
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	
Other costs (please itemize)	
TOTAL	\$11,377.04

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to:

Counsel for Defendant MasterCard

Signature of Attorney:

Name of Attorney: S. Todd Hamby

For: Plaintiff Don Ascare _____ - Date: 10/11/12
Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgement.

By:

Clerk of Court

Deputy Clerk

Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each witness
	Days	Total Cost	Days	Total Cost	Days	Total Cost	
Jeff Villmer (deposition) 1406 Remington Oaks Terrace Fenton, Missouri 63026	1	\$40	--	\$0	1	\$20	\$60.00
Patricia Smith-Thurman (deposition) 16538 Baxter Forest Ridge Chesterfield, Missouri 63005	1	\$40	--	\$0	1	\$20	\$60.00
Cheryl Haley (motion hearing & trial) 28027 Beverly Drive Wright City, Missouri 63390	1	\$40	--	\$0	1	\$60	\$100.00
							TOTAL
							\$220.00

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except where express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6 (e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

Ascare v. MasterCard

U.S. District Court, Eastern District of Missouri

Cause No. 4:10-CV-01979

Attachment to Plaintiff's Bill of Costs

Detail - Fees for exemplification and copies of papers necessarily obtained for use in the case

1. Document Copy Service, Inc. invoice no. 44559 in the amount of \$175.48 (for copy of Plaintiff's Exhibit Binder used at trial) (copy attached).
2. Document Copy Service, Inc. invoice no. 44329 in the amount of \$496.11 (for copies of Plaintiff's Exhibit Binders used at trial) (copy attached).
3. The UPS Store receipt in the amount of \$5.00 for Notary fee (notarization of Plaintiff's Affidavit in Opposition to Defendant's summary judgment motions) (copy attached).

Detail - Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case

New York Depositions

Name	Date Taken	Court Reporter	Cost
Diane Dann	3/29/2012	Dalco	\$421.85
Abby Fiorella	3/27/2012	Dalco	\$1,030.15
Marianne Fogerty	3/28/2012	Dalco	\$976.15
Charles Hall	3/29/2012	Dalco	\$431.85
Stephanie Voquer	3/28/2012	Dalco	\$1,001.65
John Pagano	4/16/2012	Dalco	\$324.40
Courtney Wegman	4/23/2012	Dalco	\$460.60
Patty Docherty	4/23/2012	Dalco	\$313.25
Lois Miller	4/24/2012	Dalco	\$319.20
Marianne Fogerty (video deposition)	8/16/12	GorePerry	\$492.75 (video) \$451.60 (trans.)

St. Louis Depositions

Name	Date Taken	Court Reporter	Cost
Don Ascare	3/20/2012	GorePerry	\$510.25 (video) \$440.20 (trans.)
Cheryl Haley	3/21/2012	GorePerry	\$253.00
Rob Reeg	4/3/2012	Kaesberg	\$3,068.05
Antonniique Day	4/4/2012	Kaesberg	
Twyla Cormack	4/4/2012	Kaesberg	
Mark Dryer	4/5/2012	Kaesberg	
Linda Clarkson	4/5/2012	Kaesberg	
Wanda Davega	4/10/2012	Kaesberg	
Althea Hensley	4/10/2012	Kaesberg	
Tony Ferri	4/11/2012	Kaesberg	
Lisa Rief	4/11/2012	Kaesberg	+
Warren Schmidt	4/12/2012	Kaesberg	\$985.50
Jeff Vilmer	4/12/2012	Kaesberg	
Pat Smith-Thurman	4/12/2012	Kaesberg	+
		Grand Total	\$10,480.45

Copies of all court reporters' invoices are attached hereto.

Document Copy Service Inc.
701 Market Suite 125
St Louis, MO 63101
FED#90-0185347

Ref 10/8/12
check # 1689
\$125.48

INVOICE

Invoice Number: 44559
Invoice Date: Sep 21, 2012
Page: 1

Duplicate

Voice: 314-421-COPY(2679)
Fax: 314-421-2681

Bill To:

Capes, Sokol, Goodman & Sarachan PC
7701 Forsyth Ave
Suite 1200
Clayton, MO 63105

Ship to:

Jenna
7701 Forsyth Ave
Suite 1200
Clayton, MO 63105

Document Copy Service Inc.

701 Market Suite 125
St. Louis, MO 63101
FED#90-0185347

Voice: 314-421-COPY(2679)
Fax: 314-421-2681

Pd 9/12/12
Check # 1682
\$496.11

INVOICE

Invoice Number: 44329
Invoice Date: Sep 4, 2012
Page: 1

Duplicate

Bill To:
Capes, Sokol, Goodman & Sarachan PC
7701 Forsyth Ave
Suite 1200
Clayton, MO 63105

Ship to:
Todd Hamby/Jana

Customer ID	Customer PO	Payment Terms	
Capes, Sokol,	76667-3-10	Net 30 Days	
Sales Rep. ID	Shipping Method	Ship Date	Due Date
Donna Travis	Hand Deliver		10/4/12

The UPS Store - #1650
3395 S Jones Blvd
Las Vegas, NV 89146
(702) 221-9175

07/02/12 10:29 AM

We are the one stop for all your
shipping, postal and business needs.

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and more at www.store1650.com



001 00004 (018) TO \$ 10.50
Fax Service
002 000003 (011) TO \$ 5.00
Notary

SubTotal \$ 15.50
Total \$ 15.50

Cash \$ 20.50
Change \$ 5.00-

Receipt ID: B3317823603921988216 002 Items
CS Anna Tran: 1326 Reg: 001

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needs, we are here to serve you.

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WIN \$1000

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To enter please complete the customer
satisfaction survey located at:

www.theupsstore.com/survey

For official rules and Terms and
Conditions go to www.theupsstore.com
and click on the Customer Experience
Survey Link



GOREPERRY
REPORTING & VIDEO
(314) 241-6750 800-878-6750
Fax (314) 241-5070

RE 9/12/12.
CLerk # 1681
8472, 75

Hamby, S. Todd
Capes Sokol Goodman & Sarachan, P.C.
7701 Forsyth, 12th Floor
Saint Louis MO 63105

INVOICE

Invoice No.	Invoice Date	Job No.		
52213	8/30/2012	42691		
Job Date	Case No.			
8/16/2012	4:10-cv-01979			
Case Name				
Don Ascare vs. MasterCard International, Incorporated				
Payment Terms				
Due upon receipt				

Videotaped Deposition of

Marianne Fogarty

Video: MPEG-1 on CD/DVD

Text to Video synchronization

Courier

Video archival

5.00 Hours	@	65.00	325.00
4.25 Hours	@	35.00	148.75
1.00 Package	@	10.00	10.00
1.00 Package	@	9.00	9.00
TOTAL DUE >>>			\$492.75

PAYMENT IS DUE UPON RECEIPT. PLEASE NOTIFY US WITHIN 10 DAYS OF RECEIPT OF INVOICE OF ANY DISCREPANCIES
1-800-820-1927 OR 1-800-451-6152.

Tax ID: 43-1371211

Phone: 314-721-7701 Fax:

7/1 9/1/12
ascare 43-1371
\$451.60



GOREPERRY
REPORTING & VIDEO
(314) 241-6750 800-878-6750
Fax (314) 241-5070

Hamby, S. Todd
Capes Sokol Goodman & Sarachan, P.C.
7701 Forsyth, 12th Floor
Saint Louis MO 63105

INVOICE

Invoice No.	Invoice Date	Job No.
51978	8/22/2012	42686
Job Date	Case No.	
8/16/2012	4:10-cv-01979	
Case Name		
Don Ascare vs. MasterCard International, Incorporated		
Payment Terms		
Due upon receipt		

Deposition of

Marianne Fogarty

Courier

Condensed Transcript (4 per page) w/word index

E-Transcript - e-mailed

Transcript/exhibit archive

206.00	Pages	@	2.10	432.60
1.00	Package	@	10.00	10.00
1.00	File(s)	@	0.00	0.00
1.00	File(s)	@	0.00	0.00
1.00	File(s)	@	0.00	9.00
TOTAL DUE >>>				\$451.60

PAYMENT IS DUE UPON RECEIPT. PLEASE NOTIFY US WITHIN 10 DAYS OF RECEIPT OF INVOICE OF ANY DISCREPANCIES
1-800-820-1927 OR 1-800-451-6152.

Tax ID: 43-1371211

Phone: 314-721-7701 Fax:

POLAROID
6326.YC
Check # 1671

STATEMENT



DALCO Reporting, Inc.
170 Hamilton Avenue, Suite 303
White Plains, NY 10601
914.684.9009 fax 914.684.6561

Account No.	Date
C12684	5/29/2012

Current	30 Days	60 Days
\$0.00	\$324.40	\$0.00
90 Days	120 Days & Over	Total Due
\$0.00	\$0.00	\$324.40

S. Todd Hamby
Capes, Sokol, Goodman & Sarachan, P.C.
7701 Forsyth Boulevard, Twelfth Floor
Saint Louis, MO 63105-1818

Page 1 of 1

Invoice Date	Invoice No.	Balance	Job Date	Witness	Case Name
4/26/2012	34488	324.40	4/16/2012	John R. Pagano	Ascare vs. MasterCard International

Tax ID: 13-3666189

Please detach bottom portion and return with payment.

RI 5/25/12
Check # 1667
71,093.05



DALCO Reporting, Inc.
170 Hamilton Avenue, Suite 303
White Plains, NY 10601
914.684.9009 fax 914.684.6561

INVOICE

Invoice No.	Invoice Date	Job No.		
34541	5/1/2012	9786		
Job Date	Case No.			
4/24/2012	4:10CV1979(JCH)			
Case Name				
Ascare vs. MasterCard International				
Payment Terms				
Net 30: 1.5% not to exceed legal limit				

ORIGINAL & 1 CERTIFIED DEPOSITION TRANSCRIPT OF:

Lois Miller				284.20
Appearance				35.00
Complimentary Condensed Transcript				0.00
Telephonic Deposition				0.00
E-Transcript Complimentary Final				0.00
	58.00 Pages			
				0.00
				0.00
			TOTAL DUE >>>	\$319.20

Tax ID: 13-3668189

Please detach bottom portion and return with payment.

I N V O I C E



DALCO Reporting, Inc.
 170 Hamilton Avenue, Suite 303
 White Plains, NY 10601
 914.684.9009 fax 914.684.6561

S. Todd Hamby
 Capes, Sokol, Goodman & Sarachan, P.C.
 7701 Forsyth Boulevard, Twelfth Floor
 Saint Louis, MO 63105-1818

Invoice No.	Invoice Date	Job No.
34509	4/30/2012	9748
Job Date	Case No.	
4/23/2012	4:10CV1979(JCH)	
Case Name		
Ascare vs. MasterCard International		
Payment Terms		
Net 30: 1.5% not to exceed legal limit		

ORIGINAL & 1 CERTIFIED DEPOSITION TRANSCRIPT OF:

Patricia Docherty

Appearance

Complimentary Condensed Transcript

Package/Handling

Telephonic Deposition

E-Transcript Complimentary Final

ORIGINAL & 1 CERTIFIED DEPOSITION TRANSCRIPT OF:

Courtney Wegman

Complimentary Condensed Transcript

Telephonic Deposition

E-Transcript Complimentary Final

4 DAY EXPEDITE - WITNESS PATRICIA DOCHERTY

		263.25
35.00		35.00
0.00		0.00
15.00		15.00
39.00 Pages		0.00
		0.00
94.00 Pages		0.00
TOTAL DUE >>		\$773.85

Tax ID: 13-3668189

Please detach bottom portion and return with payment.

Kaesberg Reporting
11093 North Prairie Road
Red Bud, IL 62278

Rec 5/25/12
Check # 1448
\$4,053.55

DATE	INV. NO.
5/10/2012	12-55

BILL TO:

Capes, Sokol, Goodman, et al.
Mr. Todd Hamby
7701 Forsyth, 12th Floor
St. Louis, MO 63105

DESCRIPTION	AMOUNT
Don Ascare vs. MasterCard International Inc. USDC - East. Dist. of MO - 4:10-CV-01979 Depositions of: R. Reeg, A. Day, T. Cormak, M. Dryer, L. Clarkson, W. Davega, A. Hensley, T. Ferri, L. Rief Taken on: 4/3/12, 4/4/12, 4/5/12, 4/10/12, 4/11/12	
Attendance of Reporter	570.00
617 pgs. Original - lay witnesses	2,252.05
E-transcript e-mailed x 9	225.00
Delivery/P&H	21.00
Pay online at: https://ipn.intuit.com/5h7mbw5r	
Reporter: DEBRA S. KAESBERG, RPR, CSR, CCR TAX ID NO. 361-40-3611 PAYMENT DUE UPON RECEIPT Please use Invoice No. when remitting.	\$3,068.05
Balance Due	\$3,068.05

Phone #	Fax #	E-mail
314-614-0864	775-361-9295	debkrptr@htc.net

Kaesberg Reporting
11093 North Prairie Road
Red Bud, IL 62278

DATE	INV. NO.
5/10/2012	12-57

BILL TO:

Capes, Sokol, Goodman, et al.
Mr. Todd Hamby
7701 Forsyth, 12th Floor
St. Louis, MO 63105

DESCRIPTION	AMOUNT
Don Ascare vs. MasterCard International Inc. USDC - East, Dist. of MO - 4:10-CV-01979 Depositions of: W. Schmidt, J. Villmer, P. Smith Taken on: 4/12/12 Reported by: Tina LePage	
Attendance of Reporter	210.00
190 pgs. Original - lay witnesses	693.50
E-transcript e-mailed x 3	75.00
Delivery/P&H	7.00
Pay online at: https://ipn.intuit.com/78ntm8bm	
Reporter: DEBRA S. KAESBERG, RPR, CSR, CCR TAX ID NO. 361-40-3611 PAYMENT DUE UPON RECEIPT Please use Invoice No. when remitting.	\$985.50
Balance Due	\$985.50

Phone #	Fax #	E-mail
314-614-0864	775-361-9295	debkrptr@htc.net

INVOICE

DALCO Reporting, Inc.
 170 Hamilton Avenue, Suite 303
 White Plains, NY 10601
 914.684.9009 fax 914.684.6561

S. Todd Hamby
 Capes, Sokol, Goodman & Sarachan, P.C.
 7701 Forsyth Boulevard, Twelfth Floor
 Saint Louis, MO 63105-1818

Invoice No.	Invoice Date	Job No.		
34265	4/5/2012	9570		
Job Date	Case No.			
3/27/2012	4:10CV1979(JCH)			
Case Name				
Ascare vs. MasterCard International				
Payment Terms				
Net 30: 1.5% not to exceed legal limit				

ORIGINAL & 1 CERTIFIED DEPOSITION TRANSCRIPT OF:

Abby Fiorella	970.15
Appearance	35.00
Complimentary Condensed Transcript	0.00
Package/Handling	25.00
Exhibit Copies (B&W)	
	310.00 Pages
	TOTAL DUE >>>
	\$1,030.15

PC 8/19/12
 CLK # 1057
 \$3,321.45

Tax ID: 13-3668189

Please detach bottom portion and return with payment.

INVOICE

DALCO Reporting, Inc.
 170 Hamilton Avenue, Suite 303
 White Plains, NY 10601
 914.684.9009 fax 914.684.6561

S. Todd Hamby
 Capes, Sokol, Goodman & Sarachan, P.C.
 7701 Forsyth Boulevard, Twelfth Floor
 Saint Louis, MO 63105-1818

Invoice No.	Invoice Date	Job No.		
34269	4/9/2012	9571		
Job Date	Case No.			
3/28/2012	4:10CV1979(JCH)			
Case Name				
Ascare vs. MasterCard International				
Payment Terms				
Net 30: 1.5% not to exceed legal limit				

ORIGINAL & 1 CERTIFIED DEPOSITION TRANSCRIPT OF:

Stephanie Voquer		986.65
Complimentary Condensed Transcript	0.00	0.00
Exhibit Copies (B&W)	310.00 Pages	
Package/Handling	15.00	15.00
<hr/>		
Marianne Fogerty		941.15
Appearance	35.00	35.00
Complimentary Condensed Transcript	0.00	0.00
Exhibit Copies (B&W)	310.00 Pages	
<hr/>		
TOTAL DUE >>>		\$1,977.80

Tax ID: 13-3668189

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INVOICE

DALCO Reporting, Inc.
 170 Hamilton Avenue, Suite 303
 White Plains, NY 10601
 914.684.9009 fax 914.684.6561

S. Todd Hamby
 Capes, Sokol, Goodman & Sarachan, P.C.
 7701 Forsyth Boulevard, Twelfth Floor
 Saint Louis, MO 63105-1818

Invoice No.	Invoice Date	Job No.		
34267	4/5/2012	9572		
Job Date	Case No.			
3/29/2012	4:10CV1979(JCH)			
Case Name				
Ascare vs. MasterCard International				
Payment Terms				
Net 30: 1.5% not to exceed legal limit				

ORIGINAL & 1 CERTIFIED DEPOSITION TRANSCRIPT OF:

Diane Dann	396.85	
Complimentary Condensed Transcript	0.00	0.00
Package/Handling	25.00	25.00
Exhibit Copies (B&W)	310.00 Pages	
Charles Hall	396.85	
Appearance	35.00	35.00
Complimentary Condensed Transcript	0.00	0.00
Exhibit Copies (B&W)	310.00 Pages	
TOTAL DUE >>>	\$853.70	

Tax ID: 13-3668189

Please detach bottom portion and return with payment.

INVOICE



GOREPERRY
REPORTING & VIDEO
(314) 241-6750 800-878-6750
Fax (314) 241-5070

Hamby, S. Todd
Capes Sokol Goodman & Sarachan, P.C.
7701 Forsyth, 12th Floor
Saint Louis MO 63105

Invoice No.	Invoice Date	Job No.		
47525	3/28/2012	39917		
Job Date	Case No.			
3/21/2012	4:10-cv-01979			
Case Name				
Don Ascare vs. MasterCard International, Incorporated				
Payment Terms				
Due upon receipt				

Deposition of

Cheryl Haley

Condensed Transcript (4 per page) w/word index
E-Transcript - e-mailed
Courier
Transcript/exhibit archive

120.00	Pages	@	1.95	234.00
1.00	File(s)	@	0.00	0.00
1.00	File(s)	@	0.00	0.00
1.00	Package	@	10.00	10.00
1.00	File(s)	@	0.00	9.00
TOTAL DUE >>>			\$253.00	

UNLESS SPECIFIED, TERMS NET 30 DAYS. PLEASE NOTIFY US WITHIN 10 DAYS OF RECEIPT OF INVOICE OF ANY DISCREPANCIES
1-800-820-1927 OR 1-800-451-6152.

RJ 4/19/12
check it 10/5/12
61203-45

Tax ID: 43-1371211

Phone: 314-721-7701 Fax:

Please detach bottom portion and return with payment.

INVOICE



GOREPERRY
REPORTING & VIDEO
(314) 241-6750 800-878-6750
Fax (314) 241-5070

Hamby, S. Todd
Capes Sokol Goodman & Sarachan, P.C.
7701 Forsyth, 12th Floor
Saint Louis MO 63105

Invoice No.	Invoice Date	Job No.		
47683	4/3/2012	39412		
Job Date	Case No.			
3/20/2012	4:10-cv-01979			
Case Name				
Don Ascare vs. MasterCard International, Incorporated				
Payment Terms				
Due upon receipt				

Deposition of

Don Ascare

Condensed Transcript (4 per page) w/word index
Courier
Transcript/exhibit archive

216.00	Pages	@	1.95	421.20
1.00	File(s)	@	0.00	0.00
1.00	Package	@	10.00	10.00
1.00	File(s)	@	0.00	9.00
TOTAL DUE >>>			\$440.20	

UNLESS SPECIFIED, TERMS NET 30 DAYS. PLEASE NOTIFY US WITHIN 10 DAYS OF RECEIPT OF INVOICE OF ANY DISCREPANCIES
1-800-820-1927 OR 1-800-451-6152.

Tax ID: 43-1371211

Phone: 314-7701 Fax:

Please detach bottom portion and return with payment.

INVOICE



GORE PERRY
REPORTING & VIDEO
(314) 241-6750 800-878-6750
Fax (314) 241-5070

Hamby, S. Todd
Capes Sokol Goodman & Sarachan, P.C.
7701 Forsyth, 12th Floor
Saint Louis MO 63105

Invoice No.	Invoice Date	Job No.		
47750	4/4/2012	39738		
Job Date	Case No.			
3/20/2012	4:10-cv-01979			
Case Name				
Don Ascare vs. MasterCard International, Incorporated				
Payment Terms				
Due upon receipt				

Videotaped Deposition of

Don Ascare

Video: MPEG-1 on CD/DVD	5.00	Hours	@	65.00	325.00
Text to Video synchronization	4.75	Hours	@	35.00	166.25
Courier	1.00	Package	@	10.00	10.00
Video archival	1.00	Package	@	9.00	9.00

TOTAL DUE >>> **\$510.25**

UNLESS SPECIFIED, TERMS NET 30 DAYS. PLEASE NOTIFY US WITHIN 10 DAYS OF RECEIPT OF INVOICE OF ANY DISCREPANCIES
1-800-820-1927 OR 1-800-451-6152.

Tax ID: 43-1371211

Phone: 314-721-7701 Fax:

Please detach bottom portion and return with payment.